

## **BOARD OF SELECTMEN**

**April 26, 2011**

### **Minutes**

The Board of Selectmen met on Tuesday, April 26, 2011 in the Town Hall Clark Room. Those present were Selectmen John D. Williams, Douglas A. G. Stevenson and William R. Tice, Jr. Town Administrator Timothy D. Goddard was also present.

Mr. Williams thanked those who had been waiting for the meeting to begin as it has started one hour behind schedule due to lack of a quorum.

The meeting began with Community Input.

#### **Community Input**

Ms Cathy Metcalf from Hartwell Road spoke to the Board about a platform that was put on the pathway behind her backyard. She said it is for viewing purposes. She described it as being 10 feet off the ground with railings, a ramp and public parking. Ms Metcalf said she was notified by a member of the Trails Committee prior to the construction of the ramp, who said she would not be able to see this platform from her house but the whole thing is not what is was said to be. Ms Metcalf said you can see into her house and backyard from the platform. It is 9½” higher than originally planned. She passed out pictures. She said her privacy is gone. Ms Metcalf said after an article in the *Carlisle Mosquito* about this platform, people are now parking on her front lawn to come and look at the platform. She asked if a member of the Board would come out and see what she is talking about.

John Brewer from Lowell Street spoke to the Board about Article 25 on the Annual Town Meeting Warrant, which is the Solar Bylaw. Mr. Brewer said the solar panels, if placed at the Transfer Station, will reflect directly across the street to his house. He explained the way the solar panels are set-up, [pictures were provided, attached hereto] he will have a special problem. Mr. Brewer said just a few homeowners are affected by this. The shine goes right into his front windows. He said if there is anymore thinning of the trees the impact will be even greater. Mr. Brewer is asking that the Planning Board to consider another site so that the panels will not impact anyone's house.

#### **Public Hearing – Grant of Location on School Street (NStar)**

School Building Committee Chair Lee Storrs was present to explain the purpose for requesting the placement of two new temporary poles on School Street. He said these poles are related to the building construction and will come out at the end of construction in the fall of 2012. He said they are not in the right-of way.

On a motion made by Mr. Tice and seconded by Mr. Stevenson it was **VOTED 3-0** to approve the installation of two temporary poles and associated wires as described in Work Order #1820489 and Work Order diagram depiction.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was **VOTED 3-0** to close the Public Hearing.

### **Comcast License Renewal Public Hearing**

Mr. Tice said he and Justin Romeo and Michael Tattersall are the members on the Cable Advisory Committee. He said they have been working for about a year and a half on this renewal contract. Mr. Tice said the Town's Government Representative from Comcast Tim Kelly is present for any questions or concerns at the end of this discussion.

The following is a summary of the proposed Cable Television Renewal License Provisions:

- a. A 10 year non-exclusive cable renewal license
- b. PEG Access Annual Support (Federal limit of 5%)
- c. Capital Support for PEG Access [\$9,000 per year for 10 years]
- d. PEG Access Channels – Three PEG Access Channels
- e. Video Return of Live PEG Access Programming [still being finalized]
- f. Cable System Extension
- g. Standard Installation [still being finalized]
- h. Cable Service to Public /School Buildings [still being finalized]
- i. Cable License Language

Mr. Tice said during the course of discussions a question of Senior discounts came about. He said there will be a discount for Seniors under certain conditions and situations.

Mr. Tice said it took a lot of give and take to get where we have arrived.

Mr. Williams said this is substantially what was discussed at our last meeting.

Mr. Kelly spoke briefly about Comcast's intent to continue good customer service to the Town.

In reply to Mr. Stevenson's concern over the Senior citizen discount, Mr. Kelly said it is a voluntary effort on the part of Comcast and they will offer it as long as they basically choose to do so.

On a motion made by Mr. Tice and seconded by Mr. Stevenson it was **VOTED 3-0**, that the Board of Selectmen, as Cable Television License Issuing Authority ("Issuing Authority"), grant the Cable Television Renewal License, presently before us, and agreed to by Comcast of Massachusetts III, Inc., as represented by and through its Senior Manager of Government and Community Relations, to said Comcast of Massachusetts III.

The Board finds that Comcast of Massachusetts III, Inc. and the proposed Cable Television Renewal License, with a renewal Term of October 14, 2011 – October 13, 2021, meet the legal requirements set out in applicable federal and state law and regulations.

NOW THEREFORE, this Renewal License is hereby issued by the Board of Selectmen of the town of Carlisle, Massachusetts, as Issuing Authority.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was **voted 3-0** to close the Public Hearing.

### **Benfield Farms – Waiver Requests**

Alan Lehotsky Chair of the Carlisle Housing Authority (CHA) was present to discuss with the Board two items. The first one was relative to covering certain Benfield Environmental Permitting Expenses. He explained that the Wetland determinations have to be re-done every three years. The CHA was asking the Board of Selectmen to reimburse NOAH from its Community Preservation Act Benfield Professional Services account, [noting that has an \$8,000.00 balance] for the environmental engineering and wetland delineations costs totaling \$7,413.54.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was **VOTED 3-0** to authorize the expenditure of \$7,413.54 from the appropriation made at the Annual Town Meeting of 5/23/2005, for professional services to be made to the Benfield project.

Alan said the second item was in respect to building permits for the Benfield project. He said that Building Commissioner John Luther has determined that the building permits for Benfield would cost approximately \$69,000.00, however he has suggested that amount could be reduced by 50%. That would cover the cost of doing the inspections and necessary engineering reviews of the project. Of that money, NOAH has proposed paying 50% of that amount or approximately \$17,250.00 and the Housing Authority will pay the remaining amount. He said what the CHA is asking is the Board of Selectmen to support the Building Commissioner's position. Alan noted that this is a non-profit project.

On a motion made by Mr. Tice and seconded by Mr. Stevenson it was **VOTED 3-0** to accept the Building Commissioners proposed waiving of up to 50% of the building constructions fees.

Alan Lehotsky added that there are 101 people waiting to get into the Benfield Housing.

### **Annual Town Meeting Warrant**

Mr. Williams said he recalled from the last meeting that the Board held out the following articles for further discussion. They were Articles 10, 11, 15, 23, 24, and 25.

David Guarino and David Model from the Finance Committee and Finance Director Larry Barton were present for this discussion. David G. passed out documents that were relative to the upcoming FinCom public hearing scheduled on Monday May 2<sup>nd</sup>. He pointed out that there is a slight increase to the balanced budgets, but there are no over rides.

David G said they were recommending using about \$300,000.00 free cash for the budget. It actually turned out to be \$298,000.00. Of that amount there was a transfer of \$75,000 into the Stabilization fund.

David G said they looked at revenue sources for the year and expected new growth to be up by 20% [to \$18million, which translates to an overall 2.1% revenue increase] but the new growth is offset by local receipts which dropped by 7% and state aid which also dropped by 10%, leaving new growth up by a 2% increase in overall revenue.

David G gave a breakdown in categories of total Town expenses. He said education takes up about two-thirds of the budget at 64.6%, the Town Departments at one-fifth or 20.7%; insurance and benefits at 8.1%, and the remaining is everything else, that is debt service, warrant articles and long term caps. at 6.6%.

It was noted that the Council on Aging budget is up to \$117,000. David G said there has been about a 12% increase in that department.

David G said there was a decrease in the Minuteman assessment to the Town. It went from \$168,000.00 to \$121,000.00.

David G explained the use of free case. This year, he said we used about \$220,000 for the budget and the remaining \$75,000 went to the Stabilization Fund for the third time. There was a brief discussion over whether we want to keep this program going that is, adding \$75,000 to the Stabilization Fund every year. It was noted that the balance in the Stabilization Fund is currently at \$1.6million. David M was in favor of doing it again.

Mr. Williams said this discussion answered any questions the Board had on Articles 11 and 22. On a motion made by Mr. Stevenson and seconded by Mr. Tice it was **VOTED 3-0** to support Article 11 and Article 22 as they relate to the Annual and fiscal 2012 budget.

Mr. Stevenson asked about Article 10 and 2011 Budget transfers. Larry spoke briefly about transfer requests which total approximately \$114,295. This amount includes snow and ice, Library boiler and Fire generator repairs and perhaps unemployment. There is presently \$150,000 in the Reserve Fund.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was **VOTED 3-0** to support article 10 relating to fiscal 2011 Budget Transfers.

The Board discussed Article 15, which is relative to the OPEB Trust. Larry said the language that we are asking Town Meeting to adopt is to 'accept Sec. 20, Ch. 32B'. It *authorizes* the establishment of a trust fund, but not a funding schedule.

On a motion made by Mr. Stevenson and seconded by Mr. Tice it was **VOTED 3-0** to support Article 15 relating to the authorization of the OPEB Trust.

Town Moderator, Wayne Davis asked if someone was willing to speak on the behalf of this Article at Town Meeting and thoroughly explain its purpose. Mr. Williams said Finance Director Larry Barton will take on that task.

The Board discussed Article 23 that referred to the Mannis Survey. Mr. Stevenson said approximately ten years ago, through an override vote of the Town, we established a \$100,000 fund that is under Conservation Commission control [for conservation land acquisition] and we have done nothing with that fund. He said Town Meeting could re-purpose these funds to pay for the Mannis Survey.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was **VOTED 3-0** to support Article 23, related to the Mannis Survey.

The next article was the Community Preservation Article 24. Luke Ascolillio, chair of the committee was present. He said they are proposing four motions. The first one will be the acceptance of the budget. He said there is \$154,000 in the budget reserve for 2012. This year they were dealing with a budget of \$451,000. Luke said the Community Preservation Committee received five applications this year, two of which did not qualify. The first one was a request for \$6,000 for maintenance on the Town Common, but it did not qualify, and the second application was for a boardwalk at Banta Davis between Spalding and Banta Davis that did not qualify.

Luke said the first one they approved was for \$2,500.00 for binding of historic records for the Town Clerks Office. The second one was for two-year compensation for the Housing Coordinator. The third one was to extend the expiration date for the Benfield infrastructure.

There was a brief discussion on Claw-backs. Luke said one was for the library, but they discussed that they would put this off until next year as they may need some of the funds for repairs. The other one was for the Trails Committee in the amount \$2,400.00. Claw-backs are funds leftover from completed project. There was a suggestion that all of the claw-backs be done at once.

In response to Mr. Stevenson, Larry said the 'claw-back process' only needs a Town Meeting vote if they have a claw-back date. A Town Meeting vote is not required if there is no claw-back date.

Mr. Williams said the Community Preservation Committee would vote on these motions tomorrow night. The Board of Selectmen can not support this article until Monday, May 9<sup>th</sup>. Mr. Williams said the Board will meet at 6:30 p.m. on the night of the Town Meeting. On that same night at 6:00 p.m., the Police Chief Search committee will meet briefly.

The Board discussed Article 25, which is the Solar Energy Bylaw. Mr. Williams said it is very clear that this Board feels with the change in the Site Plan Review, that we all worked on very hard last year, we do not have any interest in supporting this bylaw.

His understanding was the Planning Board, last night voted to keep that language. He said the Board had offered a friendly amendment and the Planning Board disregarded it.

David Freedman said they did not disregard it. He said what the Planning Board voted unanimously was that the language in the Warrant, as reviewed by the state and approved by the Energy Task Force Committee which developed the by law and was reviewed by Town Counsel should stand.

Helen Young, a member of the Energy Task Force, said they worked very hard on this bylaw and was disappointed that two Town bodies could not agree over one word which would save the Town a lot money and result in the Town being a green community. She was hopeful some sort of agreement could be reached.

John Luther, member of the Committee and Building Commissioner, said it was unfortunate that the Planning Board and Board of Selectmen disagree on this matter. He said it was inferred by the Planning Board that the Committee added this language, which is not true. It was added by the Planning Board. He suggested that a motion be made at Town Meeting to change this bylaw.

Mr. Williams said the Board is in favor of becoming a Green Community. He said Town Meeting can still vote to pass it.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was **VOTED 3-0** not to support the Solar Bylaw.

The Town Moderator Wayne Davis spoke briefly to the Board about the May 9<sup>th</sup>, Annual Town Meeting. Mr. Davis was not in favor of the idea of using the cafeteria as a second room. He suggested moving the more controversial articles to the front of the list. The Board was concerned that people would leave the meeting after these articles were discussed.

Town Clerk Charlene Hinton was present to add comments about using the cafeteria during Town Meeting as a second room. She said a promise was made to keep the cafeteria open for people with children to sit in there and hear the Town Meeting. It was decided to keep the cafeteria open.

### **Town Administrator Report**

Mr. Goddard said Dave and Florence Reed have requested the Board's approval to schedule next year's *Centennial Old Home Day* celebration on June 30 and July 1, 2012. He explained that they are making this request now because they plan to schedule a fireworks display for the evening of July 1<sup>st</sup> and need to allow adequate time for coordination and fundraising activities.

On a motion made by Mr. Tice and seconded by Mr. Stevenson it was **VOTED 3-0** to approve the request of the Old Home Day committee to use Town properties, facilities and roadways to stage the centennial Old Home Day Celebration on June 30 and July 1, 2012 as described in their request of April 5, 2011.

Mr. Goddard said he and Town Accountant Priscilla Dumka met with a representative from FEMA. He said there will be some federal disaster reimbursement money available to the Town for the snowstorm that took place during January 11-12, 2011. Mr. Goddard said he believes that the Town will be eligible for 75% reimbursement for approximately \$30,000 in storm related overtime, supplies, and equipment.

Mr. Goddard said he has attached the Conservation Commission's request to approve the use of \$8,485.74 from the Wetlands Protection Aid "Intents" account for the purpose of funding wages for the Conservation Administrator. He said funds in the account accrue from the filing fees paid by applicants to the Conservation Commission under the Massachusetts Wetland Protection Act. He added that this has been part of the budgeting process for the past several years and the Board has routinely approved the use of these funds for this purpose. The current balance in the Intents Account is \$14,647.66.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was **VOTED 3-0** to approve the use of \$8,485.74 from the Wetlands Protection Aid, "Intents" account for the purpose of funding wages for the Conservation Administrator.

Mr. Goddard said interim Police Chief Len Wetherbee has informed him that the maximum allowance that he is permitted to earn outside of his retirement has been increased from \$17,600 to \$23,750 (based upon a salary increase that his successor as Concord Police Chief has earned). Mr. Goddard said previously the Board had voted to cap Chief Wetherbee's compensation at the \$17,600 figure and under the terms of our employment agreement with him, he is allowed to work no more than 960 hours. Mr. Goddard suggested to the Board a vote to allow the Chief to earn at maximum of \$23,750 during the time of his interim employment. On a motion made by Mr. Tice and seconded by Mr. Stevenson it was **VOTED 3-0** to increase the not to exceed total compensation amount under the Town's employment agreement with Leonard J. Wetherbee, Jr. to \$23,750.

Mr. Goddard presented a Change Order from Menders, Torrey and Spencer, the Architectural firm working on the Highland Building Project. The Committee approved the Change Order which is for two items: a) Scheme B and Scheme C-outline Plans and Specifications for \$5,000.00; and b) Cyclical Maintenance for the Highland Building for \$2,000.00. The total amount of the Change Order was \$7,000.00.

On a motion made by Mr. Stevenson and seconded by Mr. Tice it was **VOTED 3-0** to accept Change Order No. 1 related to Architectural Design and Construction Administration Services with Menders, Torrey, & Spencer, Inc. for the Highland Building, dated April 25, 2011 in the amount of \$7,000.00

At 10:25 p.m. a motion was made by Mr. Tice to adjourn the meeting. The motion was seconded by Mr. Stevenson and it was **voted affirmatively 3-0**.

Respectfully submitted by Margaret deMare